IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE SEVENTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 1674 of 2005

Between:

Satavahana College, Vijayawada, Rep. by its Correspondent Y.Lokanatha Sarma
s/o.Adinarayana Sarma R/o.Seetharamapuram, Vijayawada, Krishna District.

..... PETITIONER

AND

1 The Government of A.P.rep by its Prl.Secretary, Higher Education Dept., Secretariat, Hyderabad.
2 The Regional Joint Director of Collegiate Education, Rajahmundry East Godavari District.
3 Ch.Vara Prasad, S/o.Prabhakara Rao
Satavahana College, Seetharampuram, Vijayawada.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue any writ or order or direction more particularly one in the nature of writ of Mandamus to set aside the proceedings Rc.No.851/B1/2004, dt.4.12.2004 of the 2nd respondent herein by directing the 2nd respondent to accord prior approval for removal of the 3rd respondent from service to the resolution dt.20.10.2004 of the Board of Governors and alternatively direct the 1st respondent to dispose off the appeal No.11775/04 by declaring the action of the 1st respondent herein not disposing of the aforesaid appeal is illegal, void and biased.

Counsel for the Petitioner: MR.GADEVENKATESWARA RAO

Counsel for the Respondent Nos.1 and 2: GP FOR EDUCATION

The Court made the following :

ORAL ORDER:

This writ petition is filed challenging the proceedings dated 4.12.2004 passed by the 2nd respondent in Rc.No.1851/B1/2004.

Heard the learned counsel for the petitioner and the learned Government Pleader for respondents 2 and 3.

Against the orders passed by the 2nd respondent, admittedly, an appeal lies to the Director of Collegiate Education who has to dispose of the same. But, in fact, the petitioner filed an appeal before the 1st respondent who is not an appellate authority. It is brought to the notice of this Court that such an appeal has to be filed within 20 days from the date of the order passed by the Regional Joint Director. As a matter of fact, since the petitioner is prosecuting the case, it has filed the appeal within time, but before the 1st respondent-Government and the appellate authority shall have to consider it and dispose of.

Having regard to the facts and circumstances of the case, I consider it appropriate to direct the petitioner to file an appropriate appeal before the Director of Collegiate Education. Since the appeal time is over, the petitioner has to necessarily file an application to condone the delay and the same shall have to be considered duly

taking note of the facts that the petitioner had chosen a wrong forum in filing the appeal.

The writ petition is disposed of in terms of the above direction. In the circumstances of the case, there shall be no order as to costs.

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(K.C. BHANU, J.)

7th February, 2005.

bcj

To

1 The Principal Secretary, Government of A.P., Higher Education Dept., Secretariat, Hyderabad.
2 The Regional Joint Director of Collegiate Education, Rajahmundry East Godavari District.
3 Two C.Cs. to the Government Pleader for Education, High Court Buildings, Hyderabad (OUT)

4. Two C.D. copies